

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KYLE RAINEY,
Petitioner,

v.

DISTRICT ATTORNEY'S OFFICE OF
PHILADELPHIA et al.,
Respondents

:
: CIVIL ACTION
:
: No. 09-2537
:
:
:
:
:
:
:

ORDER

And now, this 10th day of December, 2009, upon careful consideration of petitioner Kyle Rainey's motion to set aside the dismissal of his previous petition for federal habeas relief (Doc. #1), the District Attorney's response (Doc. #6), petitioner's amended motion (Doc. #7), petitioner's reply (Doc. #9), and petitioner's subsequent amendments (Doc. #10, 11), it is hereby

ORDERED that:

1. Petitioner's Rule 60(b) motion for relief from the dismissal of his first § 2254 motion is **DENIED** and **DISMISSED**.
2. Petitioner's *Hazel-Atlas* motion for relief from the dismissal of his first § 2254 motion is **DENIED** and **DISMISSED**.
3. Petitioner's miscellaneous other requests—for an evidentiary hearing, appointment of counsel, appointment of an expert, and for discovery—are **DENIED** as moot.
4. Respondent's motion for an injunction against subsequent habeas filings is **DENIED**.
5. There is no basis on which to grant a certificate of appealability.
6. The clerk shall **CLOSE** this case for statistical purposes.

/s/ William H. Yohn Jr.

William H. Yohn Jr., Judge